Paper No. 21

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TETSUYA IWAMOTO, YOSHINORI SUZUKI, HIROSHI INAMURA, ATSUMU SODA, TATSUJI YAMAZAKI, JUNICHI OGIKUBO, SOICHIRO NIHO, NORIKAZU ITO, HIROYUKI FUJITA and YUICHI KOJIMA

Appeal No. 2000-2111
Application 08/860,537[1]

ON BRIEF

Before THOMAS, LEVY and SAADAT, Administrative Patent Judges.

SAADAT, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the Examiner's final rejection of claims 1, 2 and 8 through 11.

---

[1] Application for patent filed October 31, 1997 under 35 U.S.C. § 371 based on the PCT application Serial No. PCT/JP96/03367, filed November 15, 1996, which claims the foreign filing priority benefit under 35 U.S.C. § 119 of Japanese Applications No. 07-297224, filed November 15, 1995 and No. 07-332296, filed December 20, 1995.

Claims 3 through 6 have been objected to and claim 7 has been indicated as allowed.

We affirm-in-part.

BACKGROUND

The invention relates to a video recording and reproducing system for recording and reproducing audio and video data in digital format. Such apparatus, as depicted in figures 2 and 7, includes an input/output controlling means for inputting audio/video data to be recorded from an external apparatus and outputting the data reproduced from a recording medium to the external apparatus (specification, pages 37-44 and 54-57). A controlling means controls the reproducing means so that data from the recording medium is reproduced based on a designated speed provided by the input/output controlling means.

Independent claim 1 is reproduced as follows:

> 1. A video recording and reproducing system comprising
>
> a recording and reproducing apparatus having a recording and reproducing means for recording and reproducing video data and an input/output controlling means for supplying to the recording and reproducing means the video data supplied from the outside and
>
> a reproducing apparatus having a reproducing means for reproducing the video data from a recording medium and supplying it to the input/output controlling means and a controlling means for controlling the reproducing means so as to reproduce the video data from the recording medium at a designated reproduction speed,

characterized in that

> the controlling means of the reproducing apparatus inquires about the reproduction speed of the video data to the input/output controlling means of the recording and reproducing apparatus, receives reproduction speed authorization data or reproduction speed designation data supplied from the input/output controlling means and controls the reproducing means of the reproducing apparatus so as to reproduce the video data from the recording medium at the designated speed based on the received reproduction speed authorization data or reproduction speed designation data.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Nagasawa	5,647,047	July 8, 1997 (filed Dec. 13, 1994)
Hasegawa	5,576,907	Nov. 19, 1996 (filed Jun. 7, 1995)

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Nagasawa. Claims 8 through 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagasawa and Hasegawa.

Rather than reiterate the conflicting viewpoints advanced by the Examiner and Appellants regarding the above-noted rejections, we make reference to the answer (Paper No. 16, mailed December 6, 1999) for the Examiner's complete reasoning in support of the rejections, and to the brief (Paper No. 15, filed September 16, 1999) and the reply brief (Paper No. 17, filed February 6, 2000) for Appellants' arguments thereagainst.

OPINION

At the outset, we note that Appellants state that claims 1 and 2 constitute one group while claims 8 through 11 stand or fall together (brief, page 5). Thus, we will consider claims 1 and 2 as one group and claims 8 through 11 as another for considering their rejections under §§ 102 and 103. We will treat claims 1 and 8 as the representative claims of their respective groups.

With regard to the rejection of claims 1 and 2 under 35 U.S.C. § 102, Appellants argue that Nagasawa discloses only one control means, control unit 27, which is not separate and apart from the input/output control means (brief, page 6 and reply brief, page 3). Appellants further assert that Nagasawa's control means does not inquire to the input/output control means about "the reproduction speed" that is applied for reproducing data from the recording medium (brief, pages 6 & 7 and reply brief, page 3).

The Examiner responds to Appellants' arguments by stating that Nagasawa teaches a control means that receives a designation speed command from the user supplied by control means to the reproducing apparatus (answer, page 6). The Examiner buttresses this position by referring to columns 5, 7 and 9 of the reference

and concludes that Nagasawa teaches both control means and input/output control means for receiving the designated speed and controlling the recording/reproducing means, respectively (id.).

As a general principal, a rejection for anticipation under section 102 requires that each and every limitation of the claimed invention be disclosed in a single prior art reference. In re Paulsen, 30 F.3d 1475, 1478-79, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994), citing In re Spada, 911 F.2d 705, 708, 15 USPQ2d 1655, 1657 (Fed. Cir. 1990). The inquiry as to whether a reference anticipates a claim must focus on what subject matter is encompassed by the claim and what subject matter is described by the reference. As set forth by the court in Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983), it is only necessary for the claims to "'read on' something disclosed in the reference, i.e., all limitations of the claim are found in the reference, or 'fully met' by it."

After reviewing Nagasawa, we find that the Examiner presents sufficient support to establish a prima facie case of anticipation. In Figure 2, Nagasawa discloses a video editing system which records reproduced source video data in a storage device and produces edited video data from the data in the storage device to an external device. In particular, Nagasawa

teaches that source data is recorded in recording area Ar1 (col. 4, lines 50-55) and reproduced to output interface circuits 23-1 through 23-k for editing based on reproduction control signal NPc which is supplied from control unit 27 (col. 5, lines 7-12). Edited data is further stored in recording area Ar2 through input interface 24, which is later reproduced and supplied to a broadcast medium based on control signal NRc (col. 5, lines 29-35). Therefore, the Examiner has properly corresponded storage device 22 to the claimed recording and reproducing means and high speed transfer machine 21 to the claimed reproducing apparatus. We further find that Nagasawa's control unit 27, as indicated by the Examiner, constitutes the controlling means for both the input/output circuits and the recording/reproducing means as well as for providing the control signals in response to each step of the process.

We do not agree with Appellants that Nagasawa only controls the speed with control unit 27 (brief, page 6) as control unit 27 provides the recording and reproducing control signals FPc, NPc and NRc. Furthermore, through high speed transfer machines 21 and 26, input/output interface circuits 23 and 24 supply data provided from the outside to recording areas Ar1 and Ar2 and supply the reproduced data from the recording area to an external

device. We also note that control unit 27 together with operation unit 28 provide various control signals as well as the recording/reproducing speed based on both the stored commands or manual entries by an operator (col. 6, lines 21-23 and col. 9, lines 25-27). We also remain unpersuaded by Appellants' argument that a control means separate and apart from the input/output control means is absent from the single control unit of Nagasawa since we do not find such limitation (separate control means) required in the claimed invention. In fact, the control unit of Nagasawa performs the function of controlling the recording and reproduction of video data reproduced from multiple and different sources (col. 5, lines 13-15). Additionally, control unit 27 determines the speed of data transfer by probing the format and the speed of the data inputted/outputted through input/output interface circuits 23 and 24 (col. 4, lines 36-39) or the data transfer speed designated by control unit 27 (col. 7, lines 11-12 and col. 9, lines 25-27).

With respect to Appellants' argument that Nagasawa's control means does not "inquire about reproduction speed" to the "input/output controlling means," we find Examiner's reliance on the disclosed speed designation commands in columns 5, 7 and 9 to be persuasive. Of particular relevance to the claimed

controlling means inquiring about the reproduction speed, we find Nagasawa's disclosure in column 7, lines 11-22 which state that:

> When the operator operates a certain reproduction pattern designating operation key of the operation unit 28, commands assigned to operation keys, e.g., various reproduction commands, such as slow motion reproduction, quick motion reproduction, etc., are supplied from the control unit 27 to the storage device 22. When commands indicative of reproducing at various reproduction speeds are supplied to the output interface circuits 23-1, 23-2, ..., 23-k of the storage device 22, the output interface circuits 23-1, 23-2, ..., 23-k of the storage device 22 output sources read from the area Ar1 of the storage device 22 at speeds based on the commands. [Emphasis added.]

The recorded video data from the storage area Ar1 is reproduced at a designated reproduction speed that is based on the reproduction commands supplied by input/output control means in control unit 27. Therefore, as discussed above, Nagasawa teaches "the controlling means ... inquires about the reproduction speed," as recited in claim 1, by disclosing a control unit that controls the recording/reproducing of video data based on a reproduction speed received from the control unit.

With respect to claim 2, we note that Nagasawa teaches that audio/video data from storage area Ar1 is supplied through output interface 23 to special effect mixer 25 at the normal transfer rate (first data rate) in response to reproduction control signal NPc (col. 5, lines 7-15). Furthermore, audio/video data from storage area Ar2 is supplied through input interface 24 to high

speed transfer machine 26 at n times the normal transfer rate (second data rate being higher than the first data rate) in response to control signal NRc (col. 5, lines 29-35).

In view of the analysis above, we find that the examiner has met the burden of providing a prima facie case of anticipation. In that regard, Nagasawa teaches input/output controlling means and control means for a reproducing apparatus wherein video data is reproduced at a designated speed received from the control means, as recited in Appellants' independent claim 1. Similarly, as discussed above, the reference teaches the first and the second input/output controlling means as well as the recording and reproduction means, as recited in Appellants' independent claim 2. Accordingly, we affirm the rejection of claims 1 and 2 under 35 U.S.C. § 102 over Nagasawa.

Regarding the rejection of claims 8 through 11 under 35 U.S.C. § 103 over Nagasawa and Hasegawa, we note that the Examiner, in the statement of rejection, suggests that Nagasawa discloses the claimed invention except for "the tracks having different azimuth angles" (answer, page 5). The Examiner suggests the obviousness to one of ordinary skill in the art of modifying Nagasawa by using a "recording control means for controlling the recording and reproducing heads to scan the tape

in recording and reproducing with tracks having different azimuth angles" of Hasegawa "to reduce the cross talk between the adjacent tracks" (answer, pages 5 & 6).

After reviewing Appellants' response, we agree with Appellants' argument that although the Examiner has referred to teachings in Nagasawa that relate to the identified elements of claims 1 and 2 and an error detecting means, the Examiner has not addressed the limitations of an error detecting means and a data selecting means included in the data reproducing means, as recited in claim 8 (brief, page 7). As pointed out by Appellants, claim 8 requires that the error detecting means detect "the error of each of the identified data and the recorded data" and that the data selecting means select each recorded data "having the smallest error from among the recorded data read" (brief, pages 7 & 8, reply brief, pages 3 & 4). We are also in agreement with Appellants' position that neither Nagasawa nor Hasegawa teaches or suggests these elements. We find that the error correcting circuits of Nagasawa in columns 11 and 15, as relied on by the Examiner (answer, page 7), do not select any data having the smallest error and merely correct errors in the supplied data based on the appended error correction codes. Moreover, the only other data recovery function performed by

Nagasawa, is to conceal the errors that could not be corrected so that the recovered data is restored to a form closest to the original data (col. 15, lines 6-12).

Assuming, arguendo, that it would have been obvious to utilize the recording control means of Hasegawa in Nagasawa's recording and reproducing apparatus, as held by the Examiner, the combination of references would still not disclose the error detecting means and the data selecting means for selecting each recorded data having the smallest error. Accordingly, since the Examiner has failed to establish a prima facie case of obviousness, the 35 U.S.C. § 103 rejection of independent claim 8 and claims 9 through 11, dependant therefrom, cannot be sustained.

CONCLUSION

In view of the foregoing, the decision of the Examiner rejecting claims 1 and 2 under 35 U.S.C. § 102 is affirmed. The decision of the Examiner rejecting claims 8 through 11 under 35 U.S.C. § 103 is reversed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED-IN-PART

JAMES D. THOMAS Administrative Patent Judge	)	
STUART S. LEVY Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND INTERFERENCES
MAHSHID D. SAADAT Administrative Patent Judge	)	

MDS/ki

William S. Frommer
Curtis, Morris & Safford
745 Fifth Avenue, 10th Floor
New York, NY 10151